

OD-15

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Testamentary and Intestate Jurisdiction
ORIGINAL SIDE

IA No.GA/3/2024
TS/38/2016

IN THE GOODS OF RAJKUMARI PAI (DEC)
-AND-
ARUN KUMAR PAL
VS
CHHABI LAHA & ANR.

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : February 21, 2024.

Appearance
Mr. Amit Chatterjee, Adv.
Ms. Trina Banerjee, Adv.
... For the petitioner

Mr. Indra Prasad Mullick, Adv.
...For the respondent No.2

The Court: Mr. Amit Chatterjee, learned Counsel, is appearing for the petitioner and Mr. Indra Prasad Mullick, learned Counsel, is appearing for the respondent No.2.

Counsel for the petitioner has filed the present application being GA/3/2024 praying for direction upon the Registrar, Original Side to return the original Will filed in PLA/195/2016 which was subsequently converted into TS/38/2016.

Counsel for the petitioner submits that though the petitioner has initially filed an application for grant of probate but on receipt of the caveat and affidavit in support of caveat, the PLA is converted into testamentary

suit but unfortunately by an order dated 25th November, 2016 the TS No.38 of 2016 was dismissed for non-prosecution.

Counsel for the petitioner submits that the suit was dismissed for non-prosecution and thereafter the petitioner has not taken any steps for restoration of the said suit and the petitioner is not interested to proceed with the suit.

Counsel for the petitioner submits that when the petitioner has filed PLA/195/2016 the petitioner has filed the original Will executed by testatrix Smt. Rajkumari Pal, wife of Late Ramkrishna Pal dated 14th May, 2001.

Considered the submissions made by the Counsel for the petitioner.

Perused the application.

The Registrar, Original Side is directed to return the original Will executed by Smt. Rajkumari Pal wife of Late Ramkrishna Pal dated 14th May, 2001 along with translated copy of the same to the petitioner on proper identification after keeping the photocopy of the said Will along with translated copy on record.

GA/3/2024 is disposed of.

(KRISHNA RAO, J.)